

CLEAN AIR ACT (CAA)

R6-7-8. Inspections and Information Gathering: Recordkeeping, Inspections, Monitoring, and Entry

1. AUTHORITY. Pursuant to the CAA, including sections 114 and 307:

- a. To enter, upon or through, the premises of any person who owns or operates an emission source, who manufactures emission control equipment or process equipment, who the Administrator believes may have information necessary for the purposes set forth in CAA section 114, or who is subject to any requirement of the CAA; and to enter premises where records required to be maintained under the CAA are located.
- b. To have access, at reasonable times, to inspect and copy any records and inspect monitoring equipment or methods, which are required under the CAA; and to sample any emissions, which are required to be sampled under the CAA;
- c. To require enhanced monitoring and submission of compliance certifications by any owner or operator of a major stationary source or any other person.
- d. To give notice to the States of inspections; and determine if such notices are not required.
- e. To require the owner or operator of any emission source, or a person who manufactures emission control equipment or process equipment, or any person who the Administrator believes may have information necessary for the purposes set forth in CAA section 114, or any person subject to any requirement of the CAA to: establish and maintain records; make reports; install, use, and maintain monitoring equipment and use audit procedures or methods; sample emissions; keep records on control equipment parameters, production variables, or other indirect data when direct monitoring of emissions is impractical; and provide other information as the Administrator may reasonably require.
- f. To obtain and execute warrants for the purpose of performing inspections or information gathering.
- g. To carry out any other inspection and information gathering activities authorized by the CAA.
- h. To require the carrying out of any other inspection and information gathering activities authorized by the CAA.

CLEAN AIR ACT (CAA)

R6-7-8. Inspections and Information Gathering: Recordkeeping, Inspections, Monitoring, and Entry (Contd)

- i. To issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths and in case of contumacy or refusal to obey such a served subpoena to request the issuance of an order requiring persons to appear and give testimony, to appear and/or produce papers, books, and documents before the Administrator.
 - j. To designate representatives of the Administrator to perform the functions contained in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, and 1.i., except that only the Division Director may request warrants or issue subpoena.
- 2. **TO WHOM DELEGATED.** Director of the Compliance Assurance and Enforcement Division, Director of the Multimedia Division, and Director of the Superfund Division.
- 3. **REDELEGATION AUTHORITY.**
 - a. This authority may not be further redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- 4. **LIMITATIONS.**
 - a. The Director of the Multimedia Division may exercise this authority only as it relates to 40 CFR Part 61, Subparts B, H, I, K, Q, R, and W, and to obtain information necessary to carry out responsibilities under CAA section 7410 and 40 CFR Part 51.
 - b. The Director of the Superfund Division may exercise this authority only as it relates to facilities regulated by 112(r) of the Clean Air Act.
 - c. Each Division Director must consult with the Regional Counsel or Regional Counsel designee prior to requesting warrants or issuing subpoenas.
- 5. **SUPERSESSSION.** This delegation supersedes previous R6-7-8 delegations but does not impact activities prior to the issuance of this delegation.

CLEAN AIR ACT (CAA)

R6-7-8. Inspections and Information Gathering: Recordkeeping, Inspections, Monitoring, and Entry (Contd)

6. ADDITIONAL REFERENCES.

- a. Section 110, 112(r), 114, 203, 206(c), 208(a), 211, and 307(a); 40 CFR Parts 52, 60, 61, 80, and 86.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."
- c. As provided in Clean Air Act Section 114(D), the lack of notice to the States will not constitute a defense in any enforcement action or make inadmissible evidence obtained under such an inspection.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

v.As*w.c.1ot.r :. 1

JAN 19 2017

MEMORANDUM

SUBJECT: Delegations of Authority

FROM: Gina McCarthy

TO: Matthew Fritz, Chief of Staff

On Wednesday, January 18, 2017, I signed a number of revisions to EPA Delegations of Authority. In anticipation of my signature on the revised delegations, and to make certain that there were no lapses in authority, many Regional Administrators and Assistant Administrators signed revised re-delegations consistent with my revisions on January 17, 2017. I hereby accept and ratify any such re-delegations as appropriate re-delegations of authority until otherwise revised or revoked. To the extent that any actions taken under the delegated or re-delegated authority described herein may require ratification, such action is hereby approved and ratified.